

### **3 APPEALS TO COURT**

If the employer, the claimant, or the department disagrees with the decision issued by LIRC, that decision may be appealed to circuit court (and from there to higher courts). Information on the circuit court appeal deadline and how to appeal a decision will be included with LIRC's decision. This is the point at which most people choose to hire an attorney, although one is not required. The deadlines and requirements about what must be stated in an appeal and how it should be filed are strictly upheld. If even a technical requirement is missed, the appeal will be dismissed.

Again, generally only the record from the Appeal Tribunal (the hearing before the ALJ), will be considered in a review by a court. The courts are required by law to affirm LIRC's findings of fact if there is any rational basis for those facts in the record. Moreover, the courts are required to defer to the conclusions of law and statutory interpretation in agency decisions in all cases except where the issue is one of first impression or the agency lacks special expertise in the issue presented. This is true even if the court feels that the decision could have gone a different way and that LIRC's decision is not the "best" one. It is not easy getting a LIRC decision overturned. However, it is possible.